

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KEITH A. WILLIAMS,	:	CIVIL ACTION NO. 1:07-CV-1382
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
JOSEPH SMITH, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 25th day of August, 2008, upon consideration of plaintiff's request for appointment of counsel (Doc. 58), and it appearing from the complaint (Doc. 1), and motions (Docs. 11, 16, 19, 41, 45, 49) filed by plaintiff, as well as the pursuit of an interlocutory appeal (Docs. 20, 22), that plaintiff is capable of properly and forcefully prosecuting his claims with adequate factual investigation and appropriate citations to governing authority, and that resolution of the facial merit of plaintiff's claims neither implicates complex legal or factual issues nor requires factual investigation or the testimony of expert witnesses, see Tabron v. Grace, 6 F.3d 147, 155-57 (3d Cir. 1993) (listing factors relevant to request for counsel)¹, it is hereby ORDERED that the request (Doc. 58) for appointment of counsel is DENIED. If further proceedings demonstrate the need for counsel, the matter will

¹Recently, in a "Not Precedential" opinion, a panel of the United States Court of Appeals for the Third Circuit indicated that the district court should also consider its willingness to aid the indigent party in presenting his or her case in the courtroom and the availability of attorneys willing to take § 1915(e) appointments. Gordon v. Gonzalez, No. 04-4623, 2007 WL 1241583, at *2 (3d Cir. Apr. 30, 2007).

be reconsidered either *sua sponte* or upon motion of plaintiff. See id. It is further ORDERED that plaintiff shall comply with this court's order of August 8, 2008 (doc. 57), directing plaintiff to COMPLY with the requirements set forth in Federal Rule of Civil Procedure 56(f) on or before September 8, 2008. Failure to do so will result in denial of plaintiff's motion (Doc. 49) to dismiss or stay defendants' motion for summary judgment.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge